

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                          )  
  )  
  )  
v.    )       Crim. No.13-10200-GAO  
  )  
DZHOKHAR A. TSARNAEV,                            )  
Defendant    )       UNDER SEAL  
  )

**GOVERNMENT'S OPPOSITION TO DEFENDANT'S  
MOTION TO FORGO USE OF THE FJC ORIENTATION VIDEO**

The United States, by and through undersigned counsel, respectfully oppose Tsarnaev's motion to forego use of the FJC orientation video in this case.

The government agrees with Tsarnaev's characterization of the video but disagrees with the logic of forgoing it. As Tsarnaev notes, the video's central message is that citizens should be prepared to serve on juries despite the inconvenience because it is a profoundly important civic duty. Jurors who, in Tsarnaev's words, are "too eager" to serve because they want to ensure a particular outcome or to participate in a famous case are not concerned about inconvenience; the video's central message therefore is unlikely to affect them one way or the other. The video may well, however, encourage jurors who are not "too eager" to serve to sacrifice their time and energy for the public good. The net effect of showing the video will therefore be increase the number of jurors who are not "too eager" to serve and make it easier to seat a jury that consists only of them.

WHEREFORE, the government respectfully opposes Tsarnaev's motion to forgo use of the FJC orientation video.

Respectfully submitted,

CARMEN M. ORTIZ  
UNITED STATES ATTORNEY

By: /s/ William D. Weinreb  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document was served by electronic mail on Dzhokhar Tsarnaev's attorney, Judy Clarke, Esq., on January 4, 2015.

/s/ William D. Weinreb  
WILLIAM D. WEINREB